

Before the
Federal Communications Commission
Washington, DC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) MM Docket No. 94-117
)
Amendment of Section 202(b),)
Table of Allotments,) RM-8520
FM Broadcast Stations)
(Bulls Gap, Tennessee))

To: Chief, Allocations Branch

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REPLY COMMENTS

Bulls Gap Broadcasting ("Bulls Gap"), by its attorney, hereby reiterates its support of the Commission's proposal originally put out for public comment in this proceeding, and opposes the counterproposal of Nationwide Inspirational Broadcasting ("Nationwide") for reservation of Channel 264A for noncommercial use.

1. In its "Initial Comments and Counterproposal," Nationwide supports the allotment of Channel 264A to Bulls Gap, Tennessee, but requests that the channel be reserved for noncommercial use. In support hereof, Nationwide states that no noncommercial stations operate within Hamblen County (the county in which Bulls Gap is located) and further, asserts that reservation of Channel 264A therefore is necessary to provide noncommercial service to the area while protecting the Channel 6 television station (Station WATE-TV) that serves Knoxville, Tennessee.

2. Nationwide's counterproposal must be rejected as deficient. As Nationwide notes, Station WATE-TV is located over 97 kilometers from Bulls Gap. Consequently, although it may in fact be within the "affected" distance for Channel 6 interference, there is no showing that noncommercial reserved band service in general, or lower-power noncommercial reserved

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band service in particular, is technically impossible for Bulls Gap on the channels already reserved for noncommercial service. Under well established Commission precedent, commercial channels will not be reserved for noncommercial educational use unless it first is demonstrated that channels within the reserved band are precluded by either the presence of Canadian or Mexican allotments or VHF television Channel 6 stations. Lawton, Oklahoma, 4 FCC Rcd 1807 ¶ 6 (Deputy Chief, Policy and Rules Div. 1989); Ashland and Eagle Point, Oregon, 7 FCC Rcd 7567, 7567-68 ¶ 6 (Chief, Allocations Branch 1992). Here, while Nationwide asserts that the availability of reserved band service is "affected" by Station WATE-TV, no showing is made that channels are technically unavailable or are otherwise precluded by Channel 6, Canadian, or Mexican considerations. As such, Nationwide has not met its burden of proof of demonstrating that a reservation of the proposed allotment is warranted, and its counterproposal therefore must be denied. Accord Olathe, Silver Lake, and Topeka, Kansas, 8 FCC Rcd 1790 (Chief, Allocations Branch 1993) (Commission will not reserve channel for noncommercial use where noncommercial Channel is available with reduced facilities); Eatonville, Washington, 7 FCC Rcd 4639 ¶ 3 (Chief, Allocations Branch 1992) (reservation of commercial frequency denied where proponent provides no evidence in support of reservation).

3. As reflected in Attachment 1, reserved-band noncommercial channels in fact remain available for use at Bulls Gap, Tennessee -- specifically, Channels 213A, 214A, and 216A. Thus, no basis exists for reservation of Channel 264A at Bulls Gap for exclusive noncommercial use.

WHEREFORE, it is respectfully requested that the proposed change to the FM Table of Allotments be granted, and the Commission allot Channel 264A to Bulls Gap, Tennessee on a non-reserved basis.

Respectfully submitted,

BULLS GAP BROADCASTING

By: 

Dan J. Alpert

Its Attorney

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December 13, 1994

ENGINEERING STATEMENT

At the Bulls Gap, Tennessee city-center coordinates (N LAT 36-15-18; W LNG 83-05-06) using 1,000 watts ERP and antenna radiation center of 378 meters AMSL, I found that three noncommercial educational FM channels would serve the community. Channels 213A, 214A and 216A all maintain adequate clearance to existing stations using an omnidirectional pattern and would provide Bulls Gap, Tennessee with local NCE coverage.


Dwight R. Magnuson, P.E.

dated: 12-13-94

FM CHANNEL INTERFERENCE STUDY

Job title: Bulls Gap, TN

Latitude: 36 15 18

Channel: 213A

Longitude: 83 5 6

Transmit antenna elev: 378.0 meters

Proposed maximum ERP: 1.0000 kW

Database file name: e:\fmdata\fm941026.edx

Protect maximum contours?: N
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
211C	WEPR	6127	Greenville	SC	LIC	157.2	158.1	77.1	
Prop F(50,10)	80 dBu	3.2 km	+ WEPR	F(50,50)	60 dBu	73.9 km	=	77.1	
Prop F(50,50)	60 dBu	10.2 km	+ WEPR	F(50,10)	80 dBu	34.8 km	=	45.1	
213A	WVMHFM	6175	Mars Hill	NC	LIC	134.7	67.8	43.1	24.8
Prop F(50,10)	40 dBu	35.9 km	+ WVMHFM	F(50,50)	60 dBu	7.1 km	=	43.1	
Prop F(50,50)	60 dBu	10.2 km	+ WVMHFM	F(50,10)	40 dBu	23.9 km	=	34.2	
212A	WCSK	6236	Kingsport	TN	LIC	55.7	53.9	34.2	19.8
Prop F(50,10)	54 dBu	14.3 km	+ WCSK	F(50,50)	60 dBu	15.9 km	=	30.2	
Prop F(50,50)	60 dBu	10.2 km	+ WCSK	F(50,10)	54 dBu	24.0 km	=	34.2	
212A	WUTKFM	6713	Knoxville	TN	CP	246.3	82.8	25.8	
Prop F(50,10)	54 dBu	14.3 km	+ WUTKFM	F(50,50)	60 dBu	11.1 km	=	25.4	
Prop F(50,50)	60 dBu	10.2 km	+ WUTKFM	F(50,10)	54 dBu	15.5 km	=	25.8	
213A	WWCU	6727	Cullowhee	NC	LIC	184.5	105.1	46.3	
Prop F(50,10)	40 dBu	38.6 km	+ WWCU	F(50,50)	60 dBu	7.7 km	=	46.3	
Prop F(50,50)	60 dBu	10.9 km	+ WWCU	F(50,10)	40 dBu	25.7 km	=	36.6	
212A	WUTKFM	6741	Knoxville	TN	LIC	246.3	82.8	21.2	
Prop F(50,10)	54 dBu	14.3 km	+ WUTKFM	F(50,50)	60 dBu	7.0 km	=	21.2	
Prop F(50,50)	60 dBu	10.2 km	+ WUTKFM	F(50,10)	54 dBu	10.0 km	=	20.2	
215C1	WEKH	6808	Hazard	KY	LIC	355.0	104.5	59.0	
Prop F(50,10)	80 dBu	3.2 km	+ WEKH	F(50,50)	60 dBu	55.9 km	=	59.0	
Prop F(50,50)	60 dBu	10.2 km	+ WEKH	F(50,10)	80 dBu	22.4 km	=	32.6	
210C3	WDVX	7439	Clinton	TN	CP	266.8	103.2	34.9	
Prop F(50,10)	100 dBu	.0 km	+ WDVX	F(50,50)	60 dBu	34.9 km	=	34.9	
Prop F(50,50)	60 dBu	10.2 km	+ WDVX	F(50,10)	100 dBu	.0 km	=	10.2	
213C2	WTHL	7463	Somerset	KY	LIC	307.1	163.4	129.7	
Prop F(50,10)	40 dBu	35.9 km	+ WTHL	F(50,50)	60 dBu	46.1 km	=	82.0	
Prop F(50,50)	60 dBu	10.2 km	+ WTHL	F(50,10)	40 dBu	119.5 km	=	129.7	
213C	WSMCFM	8095	Collegedale	TN	LIC	240.7	223.2	196.2	27.0
Prop F(50,10)	40 dBu	35.9 km	+ WSMCFM	F(50,50)	60 dBu	82.4 km	=	118.3	
Prop F(50,50)	60 dBu	10.2 km	+ WSMCFM	F(50,10)	40 dBu	186.0 km	=	196.2	

***** End of channel 213 study *****

FM CHANNEL INTERFERENCE STUDY

Job title: Bulls Gap, TN

Latitude: 36 15 18

Channel: 214A

Longitude: 83 5 6

Transmit antenna elev: 378.0 meters

Proposed maximum ERP: 1.0000 kW

Database file name: e:\fmdata\fm941026.edx

Protect maximum contours?: N

Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
213A	WVMHFM	6175	Mars Hill	NC	LIC	134.7	67.8	21.4	
Prop F(50,10)	54 dBu	14.3 km	+ WVMHFM	F(50,50)	60 dBu	7.1 km	=	21.4	
Prop F(50,50)	60 dBu	10.2 km	+ WVMHFM	F(50,10)	54 dBu	10.2 km	=	20.4	
217A	WLFA	6180	Asheville	NC	LIC	151.7	82.5	28.8	
Prop F(50,10)	100 dBu	.0 km	+ WLFA	F(50,50)	60 dBu	28.8 km	=	28.8	
Prop F(50,50)	60 dBu	10.2 km	+ WLFA	F(50,10)	100 dBu	.0 km	=	10.2	
212A	WCSK	6236	Kingsport	TN	LIC	55.7	53.9	19.1	
Prop F(50,10)	80 dBu	3.2 km	+ WCSK	F(50,50)	60 dBu	15.9 km	=	19.1	
Prop F(50,50)	60 dBu	10.2 km	+ WCSK	F(50,10)	80 dBu	4.9 km	=	15.1	
215C1	WRAP	6699	Toccoa Falls	GA	LIC	187.9	185.5	101.7	
Prop F(50,10)	54 dBu	15.1 km	+ WRAP	F(50,50)	60 dBu	61.0 km	=	76.1	
Prop F(50,50)	60 dBu	10.8 km	+ WRAP	F(50,10)	54 dBu	90.9 km	=	101.7	
212A	WUTKFM	6741	Knoxville	TN	LIC	246.3	82.8	12.5	
Prop F(50,10)	80 dBu	3.2 km	+ WUTKFM	F(50,50)	60 dBu	7.0 km	=	10.1	
Prop F(50,50)	60 dBu	10.2 km	+ WUTKFM	F(50,10)	80 dBu	2.3 km	=	12.5	
217A	WLMU	6780	Harrogate	TN	LIC	305.5	63.7	15.0	
Prop F(50,10)	100 dBu	.0 km	+ WLMU	F(50,50)	60 dBu	15.0 km	=	15.0	
Prop F(50,50)	60 dBu	10.2 km	+ WLMU	F(50,10)	100 dBu	.0 km	=	10.2	
215C1	WEKH	6808	Hazard	KY	LIC	355.0	104.5	92.6	11.9
Prop F(50,10)	54 dBu	14.3 km	+ WEKH	F(50,50)	60 dBu	55.9 km	=	70.1	
Prop F(50,50)	60 dBu	10.2 km	+ WEKH	F(50,10)	54 dBu	82.4 km	=	92.6	

***** End of channel 214 study *****

FM CHANNEL INTERFERENCE STUDY

Job title: Bulls Gap, TN

Latitude: 36 15 18

Channel: 216A

Longitude: 83 5 6

Transmit antenna elev: 378.0 meters

Proposed maximum ERP: 1.0000 kW

Database file name: e:\fmdata\fm941026.edx

Protect maximum contours?: N
Reqd.

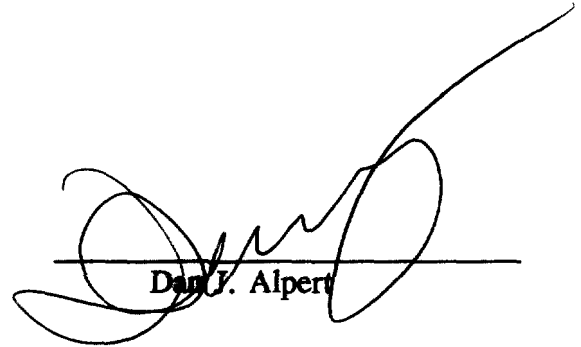
CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
216C1	WYFG	5491	Gaffney	SC	LIC	136.6	173.1	166.8	6.4
Prop F(50,10)	40 dBu	35.9 km	+ WYFG	F(50,50)	60 dBu	59.8 km	=	95.7	
Prop F(50,50)	60 dBu	10.2 km	+ WYFG	F(50,10)	40 dBu	156.5 km	=	166.8	
213A	WVMHFM	6175	Mars Hill	NC	LIC	134.7	67.8	10.2	
Prop F(50,10)	100 dBu	.0 km	+ WVMHFM	F(50,50)	60 dBu	7.1 km	=	7.1	
Prop F(50,50)	60 dBu	10.2 km	+ WVMHFM	F(50,10)	100 dBu	.0 km	=	10.2	
217A	WLFA	6180	Asheville	NC	LIC	151.7	82.5	54.2	28.2
Prop F(50,10)	54 dBu	14.3 km	+ WLFA	F(50,50)	60 dBu	28.8 km	=	43.1	
Prop F(50,50)	60 dBu	10.2 km	+ WLFA	F(50,10)	54 dBu	44.0 km	=	54.2	
218C1	WHCB	6208	Bristol	TN	LIC	76.6	87.6	57.9	29.8
Prop F(50,10)	80 dBu	3.2 km	+ WHCB	F(50,50)	60 dBu	54.7 km	=	57.9	
Prop F(50,50)	60 dBu	10.2 km	+ WHCB	F(50,10)	80 dBu	18.6 km	=	28.8	
216A	WKCS	6710	Knoxville	TN	LIC	249.1	80.9	45.7	
Prop F(50,10)	40 dBu	35.9 km	+ WKCS	F(50,50)	60 dBu	9.8 km	=	45.7	
Prop F(50,50)	60 dBu	10.2 km	+ WKCS	F(50,10)	40 dBu	32.7 km	=	42.9	
217C3	WFQS	6734	Franklin	NC	LIC	200.6	128.1	62.3	
Prop F(50,10)	54 dBu	14.3 km	+ WFQS	F(50,50)	60 dBu	33.6 km	=	47.9	
Prop F(50,50)	60 dBu	10.3 km	+ WFQS	F(50,10)	54 dBu	52.1 km	=	62.3	
217A	WLMU	6780	Harrogate	TN	LIC	305.5	63.7	32.9	30.8
Prop F(50,10)	54 dBu	14.3 km	+ WLMU	F(50,50)	60 dBu	15.0 km	=	29.3	
Prop F(50,50)	60 dBu	10.2 km	+ WLMU	F(50,10)	54 dBu	22.7 km	=	32.9	
215C1	WEKH	6808	Hazard	KY	LIC	355.0	104.5	92.6	11.9
Prop F(50,10)	54 dBu	14.3 km	+ WEKH	F(50,50)	60 dBu	55.9 km	=	70.1	
Prop F(50,50)	60 dBu	10.2 km	+ WEKH	F(50,10)	54 dBu	82.4 km	=	92.6	
218A	WVCT	7420	Keavy	KY	LIC	311.0	122.4	27.5	
Prop F(50,10)	80 dBu	3.2 km	+ WVCT	F(50,50)	60 dBu	24.3 km	=	27.5	
Prop F(50,50)	60 dBu	10.2 km	+ WVCT	F(50,10)	80 dBu	7.7 km	=	17.9	

***** End of channel 216 study *****

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that the foregoing document has been served upon the following:

York David Anthony
Lambert and Anthony
2613 Craig Ave.
Concord, NC 28027



Dan J. Alpert